

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

LARRY GREEN §  
VS. § CIVIL ACTION NO. 5:11cv96  
MICHAEL D. CARVJAL §

MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Larry Green, an inmate confined within the Bureau of Prisons, proceeding *pro se*, filed the above-styled petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The Court previously referred this matter to the Honorable Caroline M. Craven, United States Magistrate Judge, at Texarkana, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge concerning this matter. The Magistrate Judge recommends that the petition be dismissed without prejudice.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. Petitioner filed objections to the Report and Recommendation.

The Court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. See FED. R. Civ. P. 72(b). After careful consideration, the Court concludes the objections are without merit. As a determination favorable

to petitioner would not automatically entitle him to accelerated release, his claim may not be pursued via a petition for writ of habeas corpus. *Carson v. Johnson*, 112 F.3d 818, 820-21 (5th Cir. 1997). The dismissal of the petition is without prejudice to petitioner's ability to file a civil rights lawsuit concerning the subject-matter of his petition.

O R D E R

Accordingly, the objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered dismissing this petition.

**SIGNED this 31st day of May, 2011.**



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DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE